

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

MEGAN BRITT, et al.

PLAINTIFFS

V.

CIVIL ACTION NO. 1:18-CV-38-GHD-DAS

**MISSISSIPPI FARM BUREAU
CASUALTY INSURANCE COMPANY, et al.**

DEFENDANTS

ORDER

During a hearing today, the court heard argument related to objections to certain exhibits listed in the pretrial order. Specifically, the court heard arguments related to those exhibits objected to for failure to produce them in discovery. After considering the arguments, the court finds as follows:

As to defense exhibit 271, the defendant withdrew the exhibit.

As to defense exhibits 298, 299, 301, and 302, the plaintiff objected because the exhibits had no Bates number. Defense counsel responded that the exhibits had been produced but could not be numbered. The parties are to confer and make certain the exhibits were produced. If they were produced, the objection is denied. If they were not produced the objection to strike is granted.

As to defense exhibits 701-715 (excluding 706), the plaintiffs argued these documents related to expert witnesses should be stricken. In response, the defendants argued that these exhibits were referenced as documents or information relied on by the experts in making their reports in 2020. Consequently, the plaintiffs have been aware of the information for some time, and because there can be no surprise or prejudice, the court denies the motion to strike for failure to produce.

As to plaintiffs' exhibit 1158, this is a handbook the parties addressed at the pretrial conference. At the conference, the parties agreed that plaintiffs' counsel would provide what he had to defense counsel. Defense counsel agreed to examine the handbook to make certain it was one of their own or substantially similar to one in their possession. During today's argument, defense counsel explained that she is still examining the handbook, and if it is consistent with the one in her possession, she will withdraw the objection. The court orders that defense counsel shall inform the court no later than Thursday, March 3 as to whether she plans to object or withdraw her objection.

As to plaintiffs' exhibits 1160-1183, these are all portions of the Code of Federal Regulations. As the court ordered during the hearing today, should counsel choose to use a code provision, the court may well have it marked as an exhibit, but this will not be something that will go back to the jury room during deliberations.

SO ORDERED, the 1st day of March, 2022.

/s/ David A. Sanders
U.S. MAGISTRATE JUDGE